

AUG 10 2005

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8 Attorney for Plaintiffs

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE  
11 NORTHERN MARIANA ISLANDS

12 LI YING HUA, LI ZHENG ZHE and XU JING JI, ) CASE NO. CV 05-0019

13 Plaintiffs, )

14 vs. )

15 JUNG JIN CORPORATION, a CNMI corporation, )  
16 ASIA ENTERPRISES, INC., a CNMI corporation, )  
17 PARK HWA SUN and KIM HANG KWON, )

18 Defendants. )

Date: August 26, 2005  
Time: 9:00 a.m.

PLAINTIFFS' CASE MANAGEMENT  
CONFERENCE STATEMENT

19 COMES NOW, Plaintiffs LI YING HUA, LI ZHENG ZHE and XU JING JI, by and through  
20 their attorney, pursuant to LR 16.2CJ(e)(2) with their Case Management Conference Statement:

21 A. Service of process on parties not yet served

22 1. On June 25, 2005, Plaintiffs' attorney caused Defendants Park Hwa Sun and Jung Jin  
23 Corporation to be served with summons and a copy of Plaintiffs' Verified Complaint by service upon  
24 them personally.

25 2. On June 27, 2005, Plaintiffs' attorney caused Defendants Kim Hang Kwon and Asia  
26 Enterprises Inc. to be served with summons and a copy of Plaintiffs' Verified Complaint by service  
27 upon them personally.

3. All present parties have been served.

ORIGINAL

**B. Jurisdiction and Venue**

1. This Court has subject matter jurisdiction over Plaintiffs' FLSA claims pursuant to 28 U.S.C. § 1331 (federal question jurisdiction), 28 U.S.C. § 1337(a) (proceedings arising under any Act of Congress regulating commerce).

2. This Court also has subject matter jurisdiction under the FLSA, 29 U.S.C. § 216(b), to adjudicate Plaintiffs' claims.

3. On July 13, 2005, all presently named Defendants filed their Answer to the Verified Complaint, submitting to the personal jurisdiction of this Court.

4. Venue is properly placed in this Court as at all relevant times Plaintiffs were employees of Defendants residing and doing business in Saipan, Commonwealth of the Northern Mariana Islands, and all of Plaintiffs' claims arise out of their employment with Defendants in Saipan.

**C. Track assignment**

Plaintiff recommends the **Standard Track** assignment.

**REASONS:**

1. The issues in this case are few and clear, but issues of joint employment make this matter more complex than a case assigned to an expedited track.

2. Required discovery against Defendants will also be more extensive because of the number of defendants and the breadth of Plaintiffs' joint employment with all Defendants.

3. There are several real parties in interest.

4. Plaintiffs expect that they will need a few fact witnesses to prove their case.

5. Plaintiffs do not anticipate the need for expert witnesses.

6. The jury trial in this case will likely take one week.

7. This case has some suitability for alternative dispute resolution.

8. The character and nature of damage claims are routine, not fixed, but the calculation of damages in this case should be straight forward and should not involve expert testimony.

**D. Anticipated motions**

1. Motion to Strike Affirmative Defenses
2. Various Discovery Motions
3. Motion for Summary Judgment

**E. Discovery**

**Anticipated discovery:**

1. Interrogatories to and from all defendants.
2. Requests for production of documents to and from all defendants.
3. Requests for Admissions to and from all defendants.
4. Depositions: Plaintiff tentatively anticipates that he will depose the following individuals:
  - a. Jung Jin corporation pursuant to Rule 30(b)(6);
  - b. Asia Enterprises Inc. pursuant to Rule 30(b)(6);
  - c. Ms. Park Hwa Sun; and
  - d. Mr. Kim Hang Kwon.

**Limitations on discovery:** None.

**F. Further proceedings**

See Section K below.

**G. Special procedures.**

No special procedures are required.

**H. Modifications of standard pre-trial procedures.**

No modification are requested at this time, although depending on the progress of discovery, Plaintiffs anticipate the possibility that the deposition limit may need to be expanded.

**I. Settlement prospects**

For purposes of settlement, Plaintiffs provided Defendants with a rough calculation of their wage related damages. No settlement discussions have resulted therefrom, but Plaintiff remains hopeful that a non-trial disposition can be reached.

1 **J. Other matters**

2 ISSUES: [very generalized and not intended to limit or define Plaintiffs' issues trial].

3 1. Determination of the hours per week Plaintiffs performed work for Defendants.

4 2. Determination of Plaintiffs' joint employment by all Defendants.

5 3. Determination of Plaintiffs' applicable "regular rate" of pay as the term is defined in 29 U.S.C.

6 § 207(e) and used to determine Plaintiffs' overtime premium due pursuant to the terms of the Fair  
7 Labor Standards Act, 29 U.S.C. §§ 201 *et seq.*

8 4. Determination of the amount of liquidated damages to which Plaintiffs are entitled.

9 **K. Setting of dates**

10 1. Joinder of all parties: November 25, 2005

11 2. Motions to amend: November 25, 2005

12 3. Discovery service cut-off: March 3, 2006

13 4. Discovery motions hearing date: April 6, 2006

14 5. Status/settlement conference: February 17, 2006

15 6. Status/settlement conference: April 21, 2006

16 7. Dispositive motion hearing date: May 11, 2006

17 8. Joint pretrial order: May 29, 2006

18 9. Final pretrial conference: June 2, 2006

19 10. Trial: June 12, 2006

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1 DATED this 9<sup>th</sup> day of August, 2005.

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